



General Assembly

Substitute Bill No. 5

February Session, 2006

* SB00005KIDJUD030906 *

**AN ACT RETAINING JURISDICTION OF ADOPTION MATTERS IN
SUPERIOR COURT AFTER PARENTAL RIGHTS ARE TERMINATED.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-725 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2007*):

3 A minor child shall be considered free for adoption and the Court of
4 Probate, in any adoption matter, or the superior court with respect to
5 an adoption proceeding instituted pursuant to section 45a-727, as
6 amended by this act, if the superior court entered an order terminating
7 parental rights pursuant to a petition filed under section 17a-112, may
8 grant an application for the appointment of a statutory parent if any of
9 the following have occurred: [(a)] (1) The child has no living parents;
10 [(b)] (2) all parental rights have been terminated under Connecticut
11 law; [(c) (1)] (3) (A) in the case of any child from outside the United
12 States, its territories or the Commonwealth of Puerto Rico placed for
13 adoption by the Commissioner of Children and Families or by any
14 child-placing agency, the petitioner has filed an affidavit that the child
15 has no living parents or that the child is free for adoption and that the
16 rights of all parties in connection with the child have been properly
17 terminated under the laws of the jurisdiction in which the child was
18 domiciled before being removed to the state of Connecticut; or [(2)] (B)
19 in the case of any child from any of the United States, its territories or

20 the Commonwealth of Puerto Rico placed by the Commissioner of
21 Children and Families or a child-placing agency, the petitioner has
22 filed an affidavit that the child has no living parents or has filed in
23 court a certified copy of the court decree, or a certified copy of any
24 other appropriate document pursuant to the laws of the jurisdiction, in
25 which (i) the rights of all parties in connection with the child [have
26 been] were terminated under the laws of the jurisdiction in which the
27 child was domiciled before being removed to the state of Connecticut,
28 and (ii) the child-placing agency obtained guardianship or other court
29 authority to place the child for adoption. If no such affidavit, [or]
30 certified decree or document has been filed, then termination of
31 parental rights proceedings shall be required.

32 Sec. 2. Section 45a-727 of the general statutes is repealed and the
33 following is substituted in lieu thereof (*Effective January 1, 2007*):

34 (a) (1) Each adoption matter shall be instituted by filing an
35 application in a Court of Probate, together with the written agreement
36 of adoption, in duplicate, except that an adoption matter may be
37 instituted by filing an application, together with the written agreement
38 of adoption, in duplicate, in the superior court that entered the order to
39 terminate parental rights with respect to the child pursuant to section
40 17a-112. One of the duplicates shall be sent immediately to the
41 Commissioner of Children and Families.

42 (2) The application shall incorporate a declaration that to the best of
43 the knowledge and belief of the declarant there is no other proceeding
44 pending or contemplated in any other court affecting the custody of
45 the child to be adopted, or if there is such a proceeding, a statement in
46 detail of the nature of the proceeding and affirming that the proposed
47 adoption would not conflict with or interfere with the other
48 proceeding. The court shall not proceed on any application which does
49 not contain such a declaration. The application shall be signed by one
50 or more of the parties to the agreement, who may waive notice of any
51 hearing on it. For the purposes of this declaration, visitation rights
52 granted by any court shall not be considered as affecting the custody of

53 the child.

54 (3) An application for the adoption of a minor child not related to
55 the adopting parents shall not be accepted by the [Court of Probate]
56 court unless (A) the child sought to be adopted has been placed for
57 adoption by the Commissioner of Children and Families or a
58 child-placing agency, and the placement for adoption has been
59 approved by the commissioner or a child-placing agency; (B) the
60 placement requirements of this section have been waived by the
61 Adoption Review Board as provided in section 45a-764; (C) the
62 application is for adoption of a minor child by a stepparent as
63 provided in section 45a-733, as amended by this act; or (D) the
64 application is for adoption of a child by another person who shares
65 parental responsibility for the child with the parent as provided in
66 subdivision (3) of subsection (a) of section 45a-724, as amended by this
67 act. The commissioner or a child-placing agency may place a child in
68 adoption who has been identified or located by a prospective parent,
69 provided any such placement shall be made in accordance with
70 regulations [promulgated] adopted by the commissioner pursuant to
71 section 45a-728. If any such placement is not made in accordance with
72 such regulations, the adoption application shall not be approved by
73 the [Court of Probate] court.

74 (4) The application and the agreement of adoption shall be filed in
75 the (A) Court of Probate for the district where the adopting parent
76 resides or in the district where the main office or any local office of the
77 statutory parent is located, or (B) superior court that terminated
78 parental rights, if applicable, provided the applicant may file such
79 application pursuant to subparagraph (A) of this subdivision at the
80 discretion of the applicant.

81 (5) The provisions of section 17a-152, regarding placement of a child
82 from another state, and section 17a-175, regarding the interstate
83 compact on the placement of children, shall apply to adoption
84 placements.

85 (b) (1) The [Court of Probate] court shall request the commissioner
86 or a child-placing agency to make an investigation and written report
87 to it, in duplicate, [within] not later than sixty days [from] after the
88 receipt of such request, except that such investigation and report shall
89 not be required with respect to an application for adoption of a child
90 by a stepparent. A duplicate of the report shall be sent immediately to
91 the Commissioner of Children and Families.

92 (2) The report shall be filed with the [Court of Probate] court within
93 the sixty-day period. The report shall indicate the physical and mental
94 status of the child and shall also contain such facts as may be relevant
95 to determine whether the proposed adoption will be in the best
96 interests of the child, including the physical, mental, genetic and
97 educational history of the child and the physical, mental, social and
98 financial condition of the parties to the agreement and the biological
99 parents of the child, if known, and whether the best interests of the
100 child would be served in accordance with the criteria set forth in
101 section 45a-727a. The report shall include a history of physical, sexual
102 or emotional abuse suffered by the child, if any. The report may set
103 forth conclusions as to whether or not the proposed adoption will be in
104 the best interests of the child.

105 (3) The physical, mental and genetic history of the child shall
106 include information about: (A) The child's health status at the time of
107 placement; (B) the child's birth, neonatal, and other medical,
108 psychological, psychiatric [,] and dental history information; (C) a
109 record of immunizations for the child; and (D) the available results of
110 medical, psychological, psychiatric and dental examinations of the
111 child. The report shall include information, to the extent known, about
112 past and existing relationships between the child and the child's
113 siblings, biological parents, extended family, and other persons who
114 have had physical possession of or legal access to the child. The
115 educational history of the child shall include, to the extent known,
116 information about the enrollment and performance of the child in
117 educational institutions, results of educational testing and
118 standardized tests for the child, and special educational needs, if any,

119 of the child.

120 (4) The adoptive parents are entitled to receive copies of the records
121 and other information relating to the history of the child maintained by
122 the commissioner or child-placing agency. The adoptive parents are
123 entitled to receive copies of the records, provided if required by law,
124 the copies have been edited to protect the identity of the biological
125 parents and any other person whose identity is confidential and other
126 identifying information relating to the history of the child. It is the
127 duty of the person placing the child for adoption to edit, to the extent
128 required by law, the records and information to protect the identity of
129 the biological parents and any other person whose identity is
130 confidential.

131 (5) The report shall be admissible in evidence subject to the right of
132 any interested party to require that the person making it appear as a
133 witness, if available, and such person shall be subject to examination.

134 (6) For any report under this section the [Court of Probate] court
135 may assess against the adopting parent or parents a reasonable fee
136 covering the cost and expenses of making the investigation. The fee
137 shall be paid to the state or to the child-placing agency making the
138 investigation and report, provided the report shall be made within the
139 sixty-day period or other time set by the court. The fee shall be waived
140 for adoption proceedings involving special needs children in superior
141 court to the same extent as provided in section 45a-111. The judges of
142 the superior court may adopt any rules they deem necessary to
143 implement such waiver.

144 (c) (1) Upon the expiration of the sixty-day period or upon the
145 receipt of such report, whichever is first, or earlier if no investigation
146 or report is required under subdivision (1) of subsection (b) of this
147 section, the [Court of Probate] court shall set a [day] date for a hearing
148 upon the agreement and shall give reasonable notice of the hearing to
149 the parties to the agreement, the child-placing agency if such agency is
150 involved in the adoption, the Commissioner of Children and Families

151 and the child, if over twelve years of age.

152 (2) At the hearing the court may deny the application, enter a final
153 decree approving the adoption if it is satisfied that the adoption is in
154 the best interests of the child or order a further investigation and
155 written report to be filed, in duplicate, within whatever period of time
156 it directs. A duplicate of such report shall be sent to the commissioner.
157 The court may adjourn the hearing to a [day] date after that fixed for
158 filing the report. If such report has not been filed with the court within
159 the specified time, the court may thereupon deny the application or
160 enter a final decree in the manner provided in this section.

161 (3) The [Court of Probate] court shall not disapprove any adoption
162 under this section solely because of an adopting parent's marital status
163 or because of a difference in race, color or religion between a
164 prospective adopting parent and the child to be adopted or because the
165 adoption may be subsidized in accordance with [the provisions of]
166 section 17a-117, as amended by this act.

167 (4) The [Court of Probate] court shall ascertain as far as possible the
168 date and the place of birth of the child and shall incorporate such facts
169 in the final decree, a copy of which shall be sent to the Commissioner
170 of Children and Families.

171 Sec. 3. (NEW) (*Effective January 1, 2007*) (a) The judges of the
172 Superior Court shall establish rules to (1) maintain the records of
173 adoption matters in the same manner as provided in section 45a-754 of
174 the general statutes for probate courts; (2) assess the same fees and
175 waive such fees for parties to adoption matters in superior court to the
176 same extent as is provided to parties in the probate court; and (3)
177 provide the same rights and duties to parties to adoption matters as
178 are provided in the probate court.

179 (b) The judges of the Superior Court may adopt any rules they deem
180 necessary concerning adoption matters instituted pursuant to section
181 45a-727 of the general statutes, as amended by this act, and the Office
182 of the Chief Court Administrator shall prescribe any forms required

183 regarding such matters.

184 (c) Any person who discloses information contained in superior
185 court records with respect to an adoption matter where such disclosure
186 would be punishable under subsection (e) of section 45a-754 of the
187 general statutes with respect to probate court records shall be subject
188 to the penalties set forth in said subsection (e) of section 45a-754.

189 Sec. 4. Section 7-53 of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective January 1, 2007*):

191 (a) Upon receipt of the record of adoption referred to in subsection
192 (e) of section 45a-745, as amended by this act, or of other evidence
193 satisfactory to the department that a person born in this state has been
194 adopted, the department shall prepare a new birth certificate of such
195 adopted person, except that no new certificate of birth shall be
196 prepared if the court decreeing the adoption, the adoptive parents or
197 the adopted person, if over fourteen years of age, so requests. Such
198 new birth certificate shall include all the information required to be set
199 forth in a certificate of birth of this state as of the date of birth, except
200 that the adopting parents shall be named as the parents instead of the
201 genetic parents and, when a certified copy of the birth of such person
202 is requested by an authorized person, a copy of the new certificate of
203 birth as prepared by the department shall be provided.

204 (b) Any person seeking to examine or obtain a copy of the original
205 record or certificate of birth shall first obtain a written order signed by
206 the judge of the superior court or the probate court for the district in
207 which the adopted person was adopted or born in accordance with
208 section 45a-753, as amended by this act, or a written order of the
209 Probate Court in accordance with the provisions of section 45a-752,
210 stating that the court is of the opinion that the examination of the birth
211 record of the adopted person by the adopting parents or the adopted
212 person, if over eighteen years of age, or by the person wishing to
213 examine the same or that the issuance of a copy of such birth certificate
214 to the adopting parents or the adopted person, if over eighteen years of

215 age, or to the person applying therefor will not be detrimental to the
216 public interest or to the welfare of the adopted person or to the welfare
217 of the genetic or adoptive parent or parents.

218 (c) Upon receipt of such court order, the registrar of vital statistics of
219 any town in which the birth of such person was recorded, or the
220 department, may issue the certified copy of the original certificate of
221 birth on file, marked with a notation by the issuer that such original
222 certificate of birth has been superseded by a replacement certificate of
223 birth as on file, or may permit the examination of such record.

224 (d) Immediately after a new certificate of birth has been prepared,
225 an exact copy of such certificate, together with a written notice of the
226 evidence of adoption, shall be transmitted by the department to the
227 registrar of vital statistics of each town in this state in which the birth
228 of the adopted person is recorded. The new birth certificate, the
229 original certificate of birth on file and the evidence of adoption shall be
230 filed and indexed, under such regulations as the commissioner adopts,
231 in accordance with chapter 54, to carry out the provisions of this
232 section and to prevent access to the records of birth and adoption and
233 the information therein contained without due cause, except as
234 provided in this section.

235 (e) Any person, except such parents or adopted person, who
236 discloses any information contained in such records, except as
237 provided in this section, shall be fined not more than five hundred
238 dollars or imprisoned not more than six months, or both.

239 (f) Whenever a certified copy of an adoption decree from a court of
240 a foreign country, having jurisdiction of the adopted person, is filed
241 with the department under the provisions of this section, such decree,
242 when written in a language other than English, shall be accompanied
243 by an English translation, which shall be subscribed and sworn to as a
244 true translation by an American consulate officer stationed in such
245 foreign country.

246 Sec. 5. Section 7-54 of the general statutes is repealed and the

247 following is substituted in lieu thereof (*Effective January 1, 2007*):

248 The department shall prepare a certification of birth registration or a
249 certificate of foreign birth for any person born outside of the country
250 and adopted by residents of this state, provided an authenticated and
251 exemplified copy of the order of adoption of the court of the district in
252 which the adoption proceedings were had or such other evidence as is
253 considered satisfactory by the probate court of the district in which
254 such person resides shall be filed with such probate court, and such
255 probate court notifies the department that such copy or satisfactory
256 evidence has been so filed. Such certification of birth registration shall
257 contain only the adopted name, sex, date of birth, place of birth and
258 date of preparation of such certification of birth registration by the
259 department. Such certificate of foreign birth shall contain the adopted
260 name, sex, date of birth, place of birth, legal name of adoptive parent
261 or parents and date of preparation of such certificate of foreign birth.
262 No certification of birth registration or certificate of foreign birth shall
263 be prepared by the department unless upon specific written request of
264 the person to whom the certification of birth registration relates, if over
265 sixteen years of age, or of the adopting parents or the superior court or
266 the court of probate of the district in which the adoption proceedings
267 were had. When the department has prepared such certificate of birth
268 registration or certificate of foreign birth, copies thereof shall be issued
269 by the department in accordance with the provisions of subsection (a)
270 of section 7-52.

271 Sec. 6. Section 17a-117 of the general statutes is repealed and the
272 following is substituted in lieu thereof (*Effective January 1, 2007*):

273 (a) The Department of Children and Families may, and is
274 encouraged to contract with child-placing agencies to arrange for the
275 adoption of children who are free for adoption. If (1) a child for whom
276 adoption is indicated, cannot, after all reasonable efforts consistent
277 with the best interests of the child, be placed in adoption through
278 existing sources because the child is a special needs child, and (2) the
279 adopting family meets the standards for adoption which any other

280 adopting family meets, the Commissioner of Children and Families
281 shall, before adoption of such child by such family, certify such child
282 as a special needs child and, after adoption, provide one or more of the
283 following subsidies for the adopting parents: (A) A special-need
284 subsidy, which is a lump sum payment paid directly to the person
285 providing the required service, to pay for an anticipated expense
286 resulting from the adoption when no other resource is available for
287 such payment; or (B) a periodic subsidy which is a payment to the
288 adopting family; and (C) in addition to the subsidies granted under
289 this subsection, any medical benefits which are being provided prior to
290 final approval of the adoption by the Court of Probate or superior
291 court in accordance with the fee schedule and payment procedures
292 under the state Medicaid program administered by the Department of
293 Social Services shall continue as long as the child qualifies as a
294 dependent of the adoptive parent under the provisions of the Internal
295 Revenue Code. Such medical subsidy may continue only until the
296 child reaches age twenty-one. A special-need subsidy may only be
297 granted until the child reaches age eighteen. A periodic subsidy may
298 continue only until the child reaches age eighteen and is subject to
299 biennial review as provided for in section 17a-118. The amount of a
300 periodic subsidy shall not exceed the current costs of foster
301 maintenance care.

302 (b) Requests for subsidies after a final approval of the adoption by
303 the Court of Probate or superior court may be considered at the
304 discretion of the commissioner for conditions resulting from or directly
305 related to the totality of circumstances surrounding the child prior to
306 placement in adoption. A written certification of the need for a subsidy
307 shall be made by the Commissioner of Children and Families in each
308 case and the type, amount and duration of the subsidy shall be
309 mutually agreed to by the commissioner and the adopting parents
310 prior to the entry of such decree. Any subsidy decision by the
311 Commissioner of Children and Families may be appealed by a licensed
312 child-placing agency or the adopting parent or parents to the Adoption
313 Subsidy Review Board established under subsection (c) of this section.

314 The commissioner shall adopt regulations, [establishing] in accordance
315 with chapter 54, to establish the procedures for determining the
316 amount and the need for a subsidy.

317 (c) There is established an Adoption Subsidy Review Board to hear
318 appeals under this section, section 17a-118 and section 17a-120. The
319 board shall consist of the Commissioner of Children and Families, or
320 the commissioner's designee, and a licensed representative of a
321 child-placing agency and an adoptive parent appointed by the
322 Governor. The Governor shall appoint an alternate licensed
323 representative of a child-placing agency and an alternate adoptive
324 parent. Such alternative members shall, when seated, have all the
325 powers and duties set forth in this section and sections 17a-118 and
326 17a-120. Whenever an alternate member serves in place of a member of
327 the board, such alternate member shall represent the same interest as
328 the member in whose place such alternative member serves. All
329 decisions of the board shall be based on the best interest of the child.
330 Appeals under this section shall be in accordance with the provisions
331 of chapter 54.

332 Sec. 7. Section 17a-148 of the general statutes is repealed and the
333 following is substituted in lieu thereof (*Effective January 1, 2007*):

334 The provisions of section 17a-145, as amended, shall not apply to
335 any person who is caring for a child without compensation and who
336 has executed a written agreement for the adoption of such child which
337 agreement has been filed with the Probate Court or superior court with
338 the application for adoption as provided in section 45a-727, as
339 amended by this act.

340 Sec. 8. Subsection (i) of section 45a-715 of the general statutes is
341 repealed and the following is substituted in lieu thereof (*Effective*
342 *January 1, 2007*):

343 (i) If the Court of Probate, or the superior court that entered the
344 adoption decree, as the case may be, determines that the child's best
345 interests will be served by postadoption communication or contact

346 with either or both birth parents, the court shall so order, stating the
347 nature and frequency of the communication or contact. A court may
348 grant postadoption communication or contact privileges if: (1) Each
349 intended adoptive parent consents to the granting of communication
350 or contact privileges; (2) the intended adoptive parent and either or
351 both birth parents execute a cooperative agreement and file the
352 agreement with the court; (3) consent to postadoption communication
353 or contact is obtained from the child, if the child is at least twelve years
354 of age; and (4) the cooperative postadoption agreement is approved by
355 the court.

356 Sec. 9. Section 45a-724 of the general statutes is repealed and the
357 following is substituted in lieu thereof (*Effective January 1, 2007*):

358 (a) The following persons may give a child in adoption:

359 (1) A statutory parent appointed under the provisions of section
360 17a-112, section 45a-717 or section 45a-718 may, by written agreement,
361 subject to the approval of the Court of Probate or Superior Court as
362 provided in section 45a-727, as amended by this act, give in adoption
363 to any adult person any minor child of whom he or she is the statutory
364 parent, [; provided, if the child] except that the court shall not approve
365 such agreement in the case of any child who has attained the age of
366 twelve [, the child shall] without the child's consent, [to the
367 agreement.]

368 (2) Subject to the approval of the Court of Probate or superior court
369 as provided in section 45a-727, as amended by this act, any parent of a
370 minor child may agree in writing with his or her spouse that the
371 spouse shall adopt or join in the adoption of the child, [;] if that parent
372 is (A) the surviving parent if the other parent has died; (B) the mother
373 of a child born out of wedlock, provided that if there is a putative
374 father who has been notified under the provisions of section 45a-716,
375 the rights of the putative father have been terminated; (C) a former
376 single person who adopted a child and thereafter married; or (D) the
377 sole guardian of the person of the child, if the parental rights, if any, of

378 any person other than the parties to such agreement have been
379 terminated.

380 (3) Subject to the approval of the Court of Probate or Superior Court
381 as provided in section 45a-727, as amended by this act, any parent of a
382 minor child may agree in writing with one other person who shares
383 parental responsibility for the child with such parent that the other
384 person shall adopt or join in the adoption of the child [.] if the parental
385 rights, if any, of any other person other than the parties to such
386 agreement have been terminated.

387 (4) Subject to the approval of the Court of Probate or superior court
388 as provided in section 45a-727, as amended by this act, the guardian or
389 guardians of the person of any minor child who is free for adoption in
390 accordance with section 45a-725, as amended by this act, may agree in
391 writing with a relative that the relative shall adopt the child. For the
392 purposes of this subsection "relative" shall include, but not be limited
393 to, a person who has been adjudged by a court of competent
394 jurisdiction to be the father of a child born out of wedlock, or who has
395 acknowledged his paternity under the provisions of section 46b-172a,
396 with further relationship to the child determined through the father.

397 (b) If all parties consent to the adoption under subdivision (2), (3) or
398 (4) of subsection (a) of this section, then the application to be filed with
399 the probate court under section 45a-727, as amended by this act, shall
400 be combined with the consent to termination of parental rights to be
401 filed under section 45a-717. An application made under subdivision
402 (2), (3) or (4) of subsection (a) of this section shall not be granted in the
403 case of any child who has attained the age of twelve without the child's
404 consent.

405 Sec. 10. Section 45a-732 of the general statutes is repealed and the
406 following is substituted in lieu thereof (*Effective January 1, 2007*):

407 A married person shall not adopt a child unless both husband and
408 wife join in the adoption agreement, except that the Court of Probate,
409 or the superior court pursuant to section 45a-727, as amended by this

410 act, may approve an adoption agreement by either of them upon
411 finding that there is sufficient reason why the other should not join in
412 the agreement.

413 Sec. 11. Section 45a-733 of the general statutes is repealed and the
414 following is substituted in lieu thereof (*Effective January 1, 2007*):

415 (a) Notwithstanding the provisions of section 45a-727, as amended
416 by this act, in the case of a child sought to be adopted by a stepparent,
417 the Court of Probate or the superior court, as the case may be, may
418 waive all requirements of notice to the Commissioner of Children and
419 Families and shall waive, unless good cause is shown for an
420 investigation and report, all requirements for investigation and report
421 by the Commissioner of Children and Families or by a child-placing
422 agency. Upon receipt of the application and agreement, the Court of
423 Probate or superior court may set a day for a hearing upon the
424 agreement and shall give reasonable notice of the hearing to the parties
425 to the agreement and to the child, if over twelve years of age.

426 (b) At the hearing the court may deny the application, enter a final
427 decree approving the adoption if it is satisfied that the adoption is in
428 the best interests of the child, or, for good cause shown, order an
429 investigation by the Commissioner of Children and Families or a child-
430 placing agency.

431 Sec. 12. Section 45a-736 of the general statutes is repealed and the
432 following is substituted in lieu thereof (*Effective January 1, 2007*):

433 Any court of probate, or any superior court with jurisdiction over an
434 adoption matter pursuant to this chapter, as part of its approval of any
435 agreement of adoption or declaration of an intention to adopt, may
436 change the name of the person adopted, as requested by the adopting
437 parent or parents.

438 Sec. 13. Section 45a-737 of the general statutes is repealed and the
439 following is substituted in lieu thereof (*Effective January 1, 2007*):

440 Upon the request of an adopting parent of a child adopted under
441 the provisions of section 45a-727, as amended by this act, any public or
442 quasi-public institution, including, but not limited to, schools and
443 hospitals, shall obliterate the original family name of an adopted child
444 and substitute the new name of the child on its records, [;] except that
445 the person in charge of the records may apply to the court of probate
446 or superior court having jurisdiction over the adoption and show
447 cause why the name shall not be substituted. The court may grant or
448 deny the order for the substitution of names as it deems to be in the
449 best interests of the child.

450 Sec. 14. Section 45a-745 of the general statutes is repealed and the
451 following is substituted in lieu thereof (*Effective January 1, 2007*):

452 (a) For each final decree of adoption decreed by a court of probate
453 or a superior court, the clerk of the court of probate or superior court,
454 as the case may be, shall prepare a record on a form prescribed by the
455 Department of Public Health. The record shall include all facts
456 necessary to locate and identify the original birth certificate of the
457 adopted person and to establish the new birth certificate of the
458 adopted person, and shall include official notice from the court of the
459 adoption, including identification of the court action and proceedings.

460 (b) Each petitioner for adoption, the attorney for the petitioner and
461 each social or welfare agency or other person concerned with the
462 adoption shall supply the clerk of the court of probate or of the
463 superior court, as the case may be, with information which is necessary
464 to complete the adoption record. The supplying of the information
465 shall be a prerequisite to the issuance of a final adoption decree by the
466 court.

467 (c) Not later than the fifteenth day of each calendar month, the clerk
468 of the Court of Probate or of the superior court, as the case may be,
469 shall forward to the Department of Public Health the record provided
470 for in subsection (a) of this section for all final adoption decrees issued
471 during the preceding month.

472 (d) When the Department of Public Health receives a record of
473 adoption for a person born outside the state, the record shall be
474 forwarded to the proper registration authority of the place of birth.

475 (e) The Department of Public Health, upon receipt of a record of
476 adoption for a person born in this state, shall establish a new certificate
477 of birth in the manner prescribed in section 7-53, as amended by this
478 act, except that no new certificate of birth shall be established if the
479 court decreeing the adoption, the adoptive parents or the adopted
480 person, if over fourteen years of age, so requests.

481 Sec. 15. Section 45a-748 of the general statutes is repealed and the
482 following is substituted in lieu thereof (*Effective January 1, 2007*):

483 Each child-placing agency or the department shall be required to
484 make a reasonable effort to obtain the information provided for in
485 section 45a-746 for each child being placed for adoption or for whom
486 there is a probability of adoption, but the lack of such information shall
487 not be a bar to the granting of a decree of adoption, provided the child-
488 placing agency or department has made a reasonable effort to obtain
489 the information. If the judge of probate or of the superior court decides
490 that a reasonable effort has not been made to obtain the information or
491 that the information is being unreasonably withheld, the judge may
492 order the child-placing agency or department to make a reasonable
493 effort to obtain the information or to release the information. Any
494 child-placing agency or department aggrieved by the order of (1) the
495 probate court may appeal to the Superior Court, or (2) the Superior
496 Court may appeal to the Appellate Court.

497 Sec. 16. Section 45a-753 of the general statutes is repealed and the
498 following is substituted in lieu thereof (*Effective January 1, 2007*):

499 (a) If a request is received pursuant to section 45a-751, the child-
500 placing agency or department which has agreed to attempt to locate
501 the person or persons whose identity is being requested or the child-
502 placing agency or department which furnished a report ordered by the
503 court following a petition made under subsection (f) of this section

504 shall not be required to expend more than ten hours time within sixty
505 days of receipt of the request unless the child-placing agency or
506 department notifies the authorized applicant of a delay and states the
507 reason for the delay. The child-placing agency or department may
508 charge the applicant reasonable compensation and be reimbursed for
509 expenses in locating any person whose identity is being requested. The
510 obtaining of such consent shall be accomplished in a manner which
511 will protect the confidentiality of the communication and shall be done
512 without disclosing the identity of the applicant. For the purposes of
513 this section any records at the Court of Probate or the Superior Court
514 shall be available to an authorized representative of the child-placing
515 agency or department to which the request has been made.

516 (b) If the child-placing agency or department is out-of-state and
517 unwilling to expend time for such purpose, the [court of probate]
518 Court of Probate or the Superior Court which finalized the adoption or
519 terminated parental rights [or the superior court which terminated
520 parental rights] shall upon petition appoint a licensed or approved
521 child-placing agency or the department to complete the requirements
522 of this section.

523 (c) If the relative whose identity is requested cannot be located or
524 appears to be incompetent but has not been legally so declared, the
525 Court of Probate or the Superior Court shall appoint a guardian ad
526 litem under the provisions of section 45a-132, at the expense of the
527 person making the request. The guardian ad litem shall decide
528 whether to give consent on behalf of the relative whose identity is
529 being requested.

530 (d) If the relative whose identity has been requested has been
531 declared legally incapable or incompetent by a court of competent
532 jurisdiction, then the legal representative of such person may consent
533 to the release of such information.

534 (e) Such guardian ad litem or legal representative shall give such
535 consent unless after investigation [he] the guardian ad litem or legal

536 representative concludes that it would not be in the best interest of the
537 adult person to be identified for such consent to be given. If release of
538 the information requires the consent of such guardian ad litem or legal
539 representative, or if the person whose identity is sought is deceased,
540 only the following information may be released: (1) All names by
541 which the person whose identity is being sought has been known, and
542 all known addresses; (2) the date and place of such person's birth; (3)
543 all places where such person was employed; (4) such person's Social
544 Security number; (5) the names of educational institutions such person
545 attended; and (6) any other information that may assist in the search of
546 a person who cannot be located.

547 (f) (1) If (A) the person whose identity is being sought cannot be
548 located or is incompetent or (B) the child-placing agency or
549 department has not located the person within sixty days, the
550 authorized applicant may petition for access to the information to the
551 [court of probate] Court of Probate or the [superior court] Superior
552 Court which terminated the parental rights or [to the court of probate]
553 which approved the adoption.

554 (2) [Within] Not later than fifteen days [of] after receipt of the
555 petition, the court shall order the child-placing agency or department
556 which has access to such information to present a report. The report by
557 the child-placing agency or department shall be completed [within]
558 not later than sixty days after receipt of the order from the court.

559 (3) If the child-placing agency or department is out-of-state and
560 unwilling to provide the report, the court shall refer the matter to a
561 child-placing agency in this state or to the department for a report.

562 (4) The report shall determine through an interview with the adult
563 adopted or adult adoptable person and through such other means as
564 may be necessary whether (A) release of the information would be
565 seriously disruptive to or endanger the physical or emotional health of
566 the authorized applicant, and (B) release of the information would be
567 seriously disruptive to or endanger the physical or emotional health of

568 the person whose identity is being requested.

569 (5) Upon receipt of the report, or upon expiration of sixty days,
570 whichever is sooner, the court shall set a time and place for hearing not
571 later than fifteen days after receipt of the report or expiration of such
572 sixty days, whichever is sooner. The court shall immediately give
573 notice of the hearing to the authorized applicant and to the child-
574 placing agency or the department.

575 (6) At the hearing, the authorized applicant may give such evidence
576 to support the petition as the authorized applicant deems appropriate.

577 (7) [Within] Not later than fifteen days after the conclusion of the
578 hearing, the court shall issue a decree as to whether the information
579 requested shall be given to the authorized applicant.

580 (8) The requested information shall be provided to the authorized
581 applicant unless the court determines that: (A) Consent has not been
582 granted by a guardian ad litem appointed by the court to represent the
583 person whose identity has been requested; (B) release of the
584 information would be seriously disruptive to or endanger the physical
585 or emotional health of the authorized applicant; or (C) release of the
586 information would be seriously disruptive to or endanger the physical
587 or emotional health of the person whose identity is being requested.

588 (9) If the court denies the petition and determines that it would be in
589 the best interests of the person whose identity is being requested to be
590 notified that the authorized applicant has petitioned the court for
591 identifying information, the court shall request the child-placing
592 agency or department to so notify the person whose identity is being
593 requested. The notification shall be accomplished in a manner which
594 will protect the confidentiality of the communication and shall be done
595 without disclosing the identity of the authorized applicant. If the
596 person whose identity is being requested is so notified, the authorized
597 applicant who petitioned the court shall be informed that this
598 notification was given.

599 Sec. 17. Section 46b-1 of the general statutes is repealed and the
600 following is substituted in lieu thereof (*Effective January 1, 2007*):

601 Matters within the jurisdiction of the Superior Court deemed to be
602 family relations matters shall be matters affecting or involving: (1)
603 Dissolution of marriage, contested and uncontested, except dissolution
604 upon conviction of crime as provided in section 46b-47; (2) legal
605 separation; (3) annulment of marriage; (4) alimony, support, custody
606 and change of name incident to dissolution of marriage, legal
607 separation and annulment; (5) actions brought under section 46b-15, as
608 amended; (6) complaints for change of name; (7) civil support
609 obligations; (8) habeas corpus and other proceedings to determine the
610 custody and visitation of children; (9) habeas corpus brought by or on
611 behalf of any mentally ill person except a person charged with a
612 criminal offense; (10) appointment of a commission to inquire whether
613 a person is wrongfully confined as provided by section 17a-523; (11)
614 juvenile matters as provided in section 46b-121, as amended by this
615 act; (12) all rights and remedies provided for in chapter 815j; (13) the
616 establishing of paternity; (14) appeals from probate concerning: (A)
617 Adoption or termination of parental rights; (B) appointment and
618 removal of guardians; (C) custody of a minor child; (D) appointment
619 and removal of conservators; (E) orders for custody of any child; and
620 (F) orders of commitment of persons to public and private institutions
621 and to other appropriate facilities as provided by statute; (15) actions
622 related to prenuptial and separation agreements and to matrimonial
623 decrees of a foreign jurisdiction; (16) custody proceeding brought
624 under the provisions of chapter 815p; (17) adoption proceeding,
625 provided the superior court entered the order to terminate parental
626 rights with respect to the child pursuant to section 17a-112; and [(17)]
627 (18) all such other matters within the jurisdiction of the Superior Court
628 concerning children or family relations as may be determined by the
629 judges of said court.

630 Sec. 18. Subsection (a) of section 46b-121 of the general statutes is
631 repealed and the following is substituted in lieu thereof (*Effective*
632 *January 1, 2007*):

633 (a) Juvenile matters in the civil session include all proceedings
 634 concerning uncared-for, neglected or dependent children and youth
 635 within this state, termination of parental rights of children committed
 636 to a state agency and subsequent adoption proceedings pursuant to
 637 section 45a-727, as amended by this act, matters concerning families
 638 with service needs, contested matters involving termination of
 639 parental rights or removal of guardian transferred from the Probate
 640 Court, the emancipation of minors and youth in crisis, but does not
 641 include adoption matters filed in the Probate Court, matters of
 642 guardianship [and adoption] or matters affecting property rights of
 643 any child, youth or youth in crisis over which the Probate Court has
 644 jurisdiction, provided appeals from probate concerning adoption,
 645 termination of parental rights and removal of a parent as guardian
 646 shall be included. Juvenile matters in the criminal session include all
 647 proceedings concerning delinquent children in the state and persons
 648 sixteen years of age and older who are under the supervision of a
 649 juvenile probation officer while on probation or a suspended
 650 commitment to the Department of Children and Families, for purposes
 651 of enforcing any court orders entered as part of such probation or
 652 suspended commitment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2007</i>	45a-725
Sec. 2	<i>January 1, 2007</i>	45a-727
Sec. 3	<i>January 1, 2007</i>	New section
Sec. 4	<i>January 1, 2007</i>	7-53
Sec. 5	<i>January 1, 2007</i>	7-54
Sec. 6	<i>January 1, 2007</i>	17a-117
Sec. 7	<i>January 1, 2007</i>	17a-148
Sec. 8	<i>January 1, 2007</i>	45a-715(i)
Sec. 9	<i>January 1, 2007</i>	45a-724
Sec. 10	<i>January 1, 2007</i>	45a-732
Sec. 11	<i>January 1, 2007</i>	45a-733
Sec. 12	<i>January 1, 2007</i>	45a-736
Sec. 13	<i>January 1, 2007</i>	45a-737

Sec. 14	<i>January 1, 2007</i>	45a-745
Sec. 15	<i>January 1, 2007</i>	45a-748
Sec. 16	<i>January 1, 2007</i>	45a-753
Sec. 17	<i>January 1, 2007</i>	46b-1
Sec. 18	<i>January 1, 2007</i>	46b-121(a)

Statement of Legislative Commissioners:

Section 2(c)(1) was rewritten to conform to the changes made in section 2(b)(1).

KID*Joint Favorable Subst. C/R***JUD**